

nority men and women their best, and often their only, opportunity to pursue a post-secondary education. Today, while the barriers that led to the creation of separate schools for minority students have been eliminated by law, America's historically Black colleges and universities continue a great tradition of educational choice and diversity.

Since the first of these institutions was established over a century ago, historically Black colleges and universities have played a significant role in the social, economic, and political development of the United States. Thousands of their students worked tirelessly and courageously during the early years of the civil rights movement, seeking an end to racial discrimination and segregation in the United States and calling upon their fellow Americans to uphold this Nation's promise as a land of liberty and opportunity for all. Their graduates have advanced to distinguished and influential careers in business, government, education, science, engineering, and in virtually every other field of endeavor. Today historically Black colleges and universities offer Americans of all backgrounds rewarding opportunities to gain the knowledge and skills needed to participate more fully in our increasingly technological and competitive world.

In recognition of the exemplary goals and achievements of historically Black colleges and universities, the Congress, by Senate Joint Resolution 285, has designated the week beginning September 9 and ending September 15, 1990, as "National Historically Black Colleges Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of September 9 through September 15, 1990, as National Historically Black Colleges Week. I encourage all Americans to observe this week with appropriate programs, ceremonies, and activities designed to express our appreciation and support for these important educational institutions.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of September, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

**Proclamation 6179 of September 13, 1990**

**Modification of Tariffs and Quota on Certain Sugars, Syrups, and Molasses**

*By the President of the United States of America  
A Proclamation*

1. Additional U.S. note 2 to chapter 17 of the Harmonized Tariff Schedule of the United States (HTS), contained in title I of the Tariff Act of 1930 (46 Stat. 590), as amended by section 1204(a) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3004(a)), authorizes the President, for such time as title II of the Sugar Act of 1948 (61 Stat.

922) or substantially equivalent legislation is not in effect, to modify HTS column 1 customs duty rates and quota limitations for articles classified in subheadings 1701.11.00, 1701.12.00, 1701.91.20, 1701.99.00, 1702.90.30, 1806.10.40, and 2106.90.10, if the President finds and proclaims that such modifications are required or appropriate to give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade (GATT). Previously, Proclamation No. 3822 of December 16, 1967 (82 Stat. 1455), had added almost identical provisions to the former Tariff Schedules of the United States (TSUS) in the form of headnote 2 to subpart A, part 10, schedule 1, in order to carry out a provision in the trade agreement known as the Geneva (1967) Protocol of the GATT (Note 1 of Unit A, Chapter 10, Part I of Schedule XX; 19 U.S.T., Part II, 1282).

2. The Sugar Act of 1948 expired on December 31, 1974, and it has not been replaced with substantially equivalent legislation. Proclamation No. 4334 of November 16, 1974 (39 FR 40739), established rates of duty, and an absolute import quota, for such sugars, syrups, and molasses, to become effective on January 1, 1975. Proclamation No. 4334 further proclaimed such quantitative limitations in the form of headnote 3 of subpart A, part 10, schedule 1 of the TSUS. Subsequent proclamations have modified such rates of duty and quota limitations. The provisions of headnote 3 to subpart A, part 10, schedule 1 of the TSUS are now set forth in additional U.S. note 3 to chapter 17 of the HTS.

3. On June 22, 1989, the Council of the GATT adopted a panel report that concluded that the absolute quota on imports of sugar, syrups, and molasses maintained by the United States pursuant to additional U.S. note 2 to chapter 17 of the HTS is inconsistent with the obligations of the United States and which recommended that the United States either terminate such import restrictions or bring them into conformity with the GATT.

4. Section 902(a) of the Food Security Act of 1985 (99 Stat. 1443; 7 U.S.C. 1446 note) requires the President to "use all authorities available to the President as is necessary to enable the Secretary of Agriculture to operate the sugar program established under section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) at no cost to the Federal Government by preventing the accumulation of sugar acquired by the Commodity Credit Corporation."

5. Section 504(a)(1) of the Trade Act of 1974 (19 U.S.C. 2464(a)(1)) authorizes the President to withdraw, suspend, or limit the application of the duty-free treatment accorded under section 501 of that act with respect to any article or with respect to any country, except that no rate of duty may be established with respect to any article other than the rate that would otherwise apply. In taking such action, the President must consider the factors set forth in sections 501 and 502(c) of that act.

6. Section 213(d) of the Caribbean Basin Economic Recovery Act (CBERA) (19 U.S.C. 2703(d)) provides specific rules with respect to imports of sugars, syrups, and molasses from CBERA beneficiary countries for as long as there is a proclamation issued by the President pursuant to the authority vested in him by section 22 of the Agricultural Adjustment Act of 1933, as amended (7 U.S.C. 624), to protect a price-

support program for sugar beets and sugarcane. With respect to imports of sugars, syrups, and molasses from all CBERA beneficiary countries except the Dominican Republic, Guatemala, and Panama, section 213(d)(1)(A) requires that "duty-free treatment shall be provided in the same manner as it is provided pursuant to title V of the Trade Act of 1974 . . . ." With respect to imports of sugars, syrups, and molasses from the Dominican Republic, Guatemala, and Panama, paragraph (2) of section 213(d) provides for absolute quotas and further provides that such quantities of sugars, syrups, and molasses shall be admitted free of duty. However, the President, upon the recommendation of the Secretary of Agriculture, may suspend the quantitative limitations imposed under paragraph (2) if he determines such action will not interfere with the price support program for sugar beets and sugarcane and is appropriate in light of market conditions and may suspend duty-free treatment for all or part of the quantity of sugar, syrups, and molasses permitted to be entered by paragraph (2) if such action is necessary to protect the price-support program for sugar beets and sugarcane.

7. Section 1204(c)(3) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3004(c)(3)) provides that if a rate of duty established in column 1 of the HTS by the President is higher than the existing rate of duty in column 2, the President may increase the rate in column 2 to the higher rate established in column 1.

8. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the HTS the substance of the provisions of that act, and of other acts affecting import treatment, and actions taken thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

9. I find that the modifications hereinafter proclaimed of the import duty rates, and the quantitative limitations thereof, on the importation of sugar, syrups, and molasses classified in subheadings 1701.11.00, 1701.12.00, 1701.91.20, 1701.99.00, 1702.90.30, 1806.10.40, and 2106.90.10 of the HTS are required and appropriate to give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the GATT.

10. Having considered the factors set forth in sections 501 and 502(c) of the Trade Act of 1974, including the anticipated impact on United States producers of like or directly competitive products, I further find that the limitations, hereinafter proclaimed, of the application of the duty-free treatment accorded under section 501 of that act with respect to sugars, syrups, and molasses classified under subheadings 1701.11.00, 1701.12.00, 1701.91.20, 1701.99.00, 1702.90.30, 1806.10.40, and 2106.90.10 of the HTS are necessary and appropriate.

11. I find that there are currently in effect proclamations issued by the President pursuant to the authority vested in him by section 22 of the Agricultural Adjustment Act of 1933, as amended (7 U.S.C. 624), to protect a price-support program for sugar beets and sugarcane, including Proclamation No. 4940 of May 5, 1982, Proclamation No. 5071 of June 28, 1983, Proclamation No. 5164 of March 19, 1984, Proclamation No. 5294 of January 28, 1985, Proclamation No. 5313 of March 29, 1985, and Proclamation No. 5340 of May 17, 1985. Accordingly, I determine that the duty-free treatment of sugars, syrups, and molasses imported from beneficiary countries under the CBERA and classified under subhead-

ings 1701.11.00, 1701.12.00, 1701.91.20, 1701.99.00, 1702.90.30, 1806.10.40, and 2106.90.10 of the HTS must be subject to the limitations hereinafter proclaimed, corresponding to the limitation of duty-free treatment for the same articles when imported from designated beneficiary developing countries under the Generalized System of Preferences (GSP), as is provided pursuant to title V of the Trade Act of 1974.

12. I further find and determine, upon the recommendation of the Secretary of Agriculture, that the suspension of the quantitative limitations imposed under paragraph (2) of section 213(d) of the CBERA, as hereinafter proclaimed, will not interfere with the price support program for sugar beets and sugarcane and is appropriate in light of market conditions and that the suspension of duty-free treatment for part of the quantity of sugar, syrups, and molasses permitted to be entered by paragraph (2) of that act, as hereinafter proclaimed, is necessary to protect the price-support program for sugar beets and sugarcane.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to the provisions of title I of the Tariff Act of 1930, as amended; sections 501, 502, 504, and 604 of the Trade Act of 1974, as amended; section 213 of the CBERA; section 1204 of the Omnibus Trade and Competitiveness Act of 1988; additional U.S. note 2 to chapter 17 of the HTS; and section 301 of Title 3 of the United States Code, do hereby proclaim:

(1) Subheadings 1701.11.00, 1701.12.00, 1701.91.20, 1701.99.00, 1702.90.30, 1806.10.40, and 2106.90.10 of the HTS are modified as provided in Annex I to this proclamation.

(2) Additional U.S. notes 3 and 4 to chapter 17 of the HTS are modified as provided in Annex II to this proclamation.

(3) The duty-free treatment accorded to sugars, syrups, and molasses described in subheadings 1701.11.01, 1701.12.01, 1701.91.21, 1701.99.01, 1702.90.31, 1806.10.41, and 2106.90.11 of the HTS, which are imported from beneficiary countries for purposes of the GSP and CBERA, shall be limited to the quantities as established and allocated pursuant to paragraphs (a) and (b) of additional U.S. note 3 to chapter 17 of the HTS. Duty-free treatment shall be accorded to the importation of sugars, which are imported from the beneficiary countries for purposes of the GSP and CBERA, as described in subheading 1701.11.02 of the HTS. Duty-free treatment shall not be accorded to the importation of sugars, syrups, and molasses, imported from beneficiary countries for purposes of the GSP and CBERA, as described in subheadings 1701.11.03, 1701.12.02, 1701.91.22, 1701.99.02, 1702.90.32, 1806.10.42, and 2106.90.12 of the HTS. Accordingly, the quantitative limitations imposed under paragraph (2) of section 213(d) of the CBERA are hereby suspended.

(4) All previous proclamations issued under the authority vested in the President by section 201 of the Trade Expansion Act of 1962 (19 U.S.C. 1821) and headnote 2 of subpart A of part 10 of schedule 1 of the former TSUS, with respect to rates of duty or quantitative limitations on the importation of sugars, syrups, and molasses, including Proclamation No. 4334 of November 16, 1974, Proclamation No. 4463 of September 21, 1976, Proclamation No. 4466 of October 4, 1976, Proclamation No. 4539 of November 11, 1977, Proclamation No. 4610 of November 30,

1978, Proclamation No. 4663 of May 24, 1979, Proclamation No. 4720 of February 1, 1980, Proclamation No. 4770 of July 1, 1980, Proclamation No. 4888 of December 23, 1981, Proclamation No. 4941 of May 5, 1982, Proclamation No. 5002 of November 30, 1982, Proclamation No. 5104 of September 23, 1983, and Proclamation No. 5297 of January 31, 1985, are hereby terminated and rescinded.

(5) The modifications made by this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after October 1, 1990.

(6) In order to provide for the continuation of previously proclaimed staged rate reductions on goods originating in the territory of Canada in the HTS subheadings in Annex I to this proclamation, effective with respect to goods originating in the territory of Canada which are entered, or withdrawn from warehouse for consumption, on or after January 1, 1991, the rate of duty in the HTS set forth in the Rates of Duty 1-Special subcolumn followed by the symbol "CA" in parentheses for each of the HTS subheadings enumerated in such annex shall be deleted, and the rate of duty pursuant to the terms of the United States-Canada Free-Trade Agreement shall be inserted in lieu thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of September, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

ANNEX I

MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

*Notes:*

1. Bracketed matter is included to assist in the understanding of proclaimed modifications.
2. The following supersedes matter now in the Harmonized Tariff Schedule of the United States (HTS). The subheadings and superior descriptions are set forth in columnar format, and material in such columns is inserted in the columns of the HTS designated "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special", and "Rates of Duty 2", respectively.

*Effective as to articles entered, or withdrawn from warehouse for consumption, on or after October 1, 1990.*

(a) The Harmonized Tariff Schedule of the United States is modified as follows:

(1)(A) Subheading 1701.11.00 is stricken and the following new subheadings are inserted in lieu thereof:

[1701 Cane or beet sugar and chemically pure sucrose, in solid form:]

[Raw sugar . . .:]

"1701.11

Cane sugar:

|            |   |   |  |   |
|------------|---|---|--|---|
| 1701.11.01 | Described in paragraphs (a) and (b) of additional U.S. note 3 to chapter 17 and entered pursuant to its provisions.   | 1.4606¢/kg less 0.020668¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 0.943854¢/kg | Free (A*, E*, IL) 1.1684¢/kg less 0.016534¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 0.755083¢/kg (CA) | 4.38170¢/kg less 0.0622005¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 2.831562¢/kg |
| 1701.11.02 | Other sugar to be used for the production (other than by distillation) of polyhydric alcohols, except polyhydric alcohols for use as a substitute for sugar in human food consumption, or to be refined and re-exported in refined form or in sugar-containing products, provided that the exportation of such refined or manufactured articles is not used as the basis of any claim for, or result in, a refund, as drawback, of duties paid on articles classified in subheadings 1701.11.03, 1701.12.02, 1701.91.22, 1701.99.02, 1702.90.32, 1806.10.42, or 2106.90.12. | 1.4606¢/kg less 0.020668¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 0.943854¢/kg | Free (A*, E*, IL) 1.1684¢/kg less 0.016534¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 0.755083¢/kg (CA) | 4.38170¢/kg less 0.0622005¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 2.831562¢/kg |
| 1701.11.03 | Other .....   | 37.386¢/kg less 0.529¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 24.161¢/kg      | 1.1684¢/kg less 0.016534¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 0.755083¢/kg (CA)                   | 37.386¢/kg less 0.529¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) not less than 24.161¢/kg"           |

(B) Any staged reduction of a rate of duty set forth in subheading 1701.11.00 of the HTS that was proclaimed by the President before the effective date of this proclamation and would otherwise take effect after the effective date of this proclamation shall also apply to the corresponding rates of duty set forth in subheadings 1701.11.01, 1701.11.02, and 1701.11.03, inclusive, of the HTS.

(2)(A) Subheading 1701.12.00 is stricken and the following new subheadings are inserted in lieu thereof:

|            |   |                 |                   |                 |
|------------|---|-----------------|-------------------|-----------------|
| [1701      | Cane or beet sugar and chemically pure sucrose, in solid form:]   |                 |                   |                 |
| "1701.12   | [Raw sugar . . .]   |                 |                   |                 |
|            | Beet sugar:   |                 |                   |                 |
| 1701.12.01 | Described in paragraphs (a) and (b) of additional U.S. note 3 to chapter 17 and entered pursuant to its provisions..... | 1.4606¢/kg      | Free (A*, E*, IL) | 4.38170¢/kg     |
|            |   | less            | 1.1684¢/kg less   | less            |
|            |   | 0.020668¢/      | 0.016534¢/kg for  | 0.0622005¢/     |
|            |   | kg for          | each degree       | kg for          |
|            |   | each            | under 100         | each            |
|            |   | degree          | degrees (and      | degree          |
|            |   | under 100       | fractions of a    | under 100       |
|            |   | degrees         | degree in         | degrees         |
|            |   | (and            | proportion) but   | (and            |
|            |   | fractions       | not less than     | fractions       |
|            |   | of a            | 0.755083¢/kg      | of a            |
|            |   | degree in       | (CA)              | degree in       |
|            |   | proportion) but |                   | proportion) but |
|            |   | not less        |                   | not less        |
|            |   | than            |                   | than            |
|            |   | 0.943854¢/      |                   | 2.831562¢/      |
|            |   | kg              |                   | kg              |
| 1701.12.02 | Other .....   | 37.386¢/kg      | 1.1684¢/kg less   | 37.386¢/kg      |
|            |   | less            | 0.016534¢/kg for  | less            |
|            |   | 0.529¢/kg       | each degree       | 0.529¢/kg       |
|            |   | for each        | under 100         | for each        |
|            |   | degree          | degrees (and      | degree          |
|            |   | under 100       | fractions of a    | under 100       |
|            |   | degrees         | degree in         | degrees         |
|            |   | (and            | proportion) but   | (and            |
|            |   | fractions       | not less than     | fractions       |
|            |   | of a            | 0.755083¢/kg      | of a            |
|            |   | degree in       | (CA)              | degree in       |
|            |   | proportion) but |                   | proportion) but |
|            |   | not less        |                   | not less        |
|            |   | than            |                   | than            |
|            |   | 24.161¢/        |                   | 24.161¢/        |
|            |   | kg              |                   | kg"             |

(B) Any staged reduction of a rate of duty set forth in subheading 1701.12.00 of the HTS that was proclaimed by the President before the effective date of this proclamation and would otherwise take effect after the effective date of this proclamation shall also apply to the corresponding rates of duty set forth in subheadings 1701.12.01 and 1701.12.02, inclusive, of the HTS.

(3)(A) Subheading 1701.91.20 is stricken and the following new subheadings are inserted in lieu thereof:



[1701 Cane or beet sugar and chemically pure sucrose, in solid form:]  
[Other:]

[1701.91 Containing added coloring but not added flavoring matter:]

[1701.91.21 Described in paragraphs (a) and (b) of additional U.S. note 3 to chapter 17 and entered pursuant to its provisions.....

|  |  |   |
|--|--|---|
| 1.4806¢/kg   | Free (A*, E*, IL)  | 4.38170¢/kg   |
| less   | 1.1684¢/kg less  | less  |
| 0.020668¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than | 0.016534¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than | 0.0622005¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than |
| 0.943854¢/kg   | 0.755083¢/kg (CA)  | 2.831562¢/kg  |
| 1701.91.22 Other .....   | 37.386¢/kg less  | 37.386¢/kg less   |
|  | 0.529¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than    | 0.529¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than     |
|  | 24.161¢/kg   | 24.161¢/kg  |

(B) Any staged reduction of a rate of duty set forth in subheading 1701.19.20 of the HTS that was proclaimed by the President before the effective date of this proclamation and would otherwise take effect after the effective date of this proclamation shall also apply to the corresponding rates of duty set forth in subheadings 1701.19.21 and 1701.19.22, inclusive, of the HTS.

(4)(A) Subheading 1701.99.00 is stricken and the following new subheadings are inserted in lieu thereof:



|            |   |                 |                   |                 |
|------------|---|-----------------|-------------------|-----------------|
| [1701      | Cane or beet sugar and chemically pure sucrose, in solid form:]   |                 |                   |                 |
| "1701.99   | Other:  |                 |                   |                 |
| 1701.99.01 | Described in paragraphs (a) and (b) of additional U.S. note 3 to chapter 17 and entered pursuant to its provisions..... | 1.4606¢/kg      | Free (A*, E*, IL) | 4.38170¢/kg     |
|            |   | less            | 1.1684¢/kg less   | less            |
|            |   | 0.020668¢/      | 0.016534¢/kg for  | 0.0622005¢/     |
|            |   | kg for          | each degree       | kg for          |
|            |   | each            | under 100         | each            |
|            |   | degree          | degrees (and      | degree          |
|            |   | under 100       | fractions of a    | under 100       |
|            |   | degrees         | degree in         | degrees         |
|            |   | (and            | proportion) but   | (and            |
|            |   | fractions       | not less than     | fractions       |
|            |   | of a            | 0.755083¢/kg      | of a            |
|            |   | degree in       | (CA)              | degree in       |
|            |   | proportion) but |                   | proportion) but |
|            |   | not less        |                   | not less        |
|            |   | than            |                   | than            |
|            |   | 0.943854¢/      |                   | 2.831562¢/      |
|            |   | kg              |                   | kg              |
| 1701.99.02 | Other .....   | 37.386¢/kg      | 1.1684¢/kg less   | 37.386¢/kg      |
|            |   | less            | 0.016534¢/kg for  | less            |
|            |   | 0.529¢/kg       | each degree       | 0.529¢/kg       |
|            |   | for each        | under 100         | for each        |
|            |   | degree          | degrees (and      | degree          |
|            |   | under 100       | fractions of a    | under 100       |
|            |   | degrees         | degree in         | degrees         |
|            |   | (and            | proportion) but   | (and            |
|            |   | fractions       | not less than     | fractions       |
|            |   | of a            | 0.755083¢/kg      | of a            |
|            |   | degree in       | (CA)              | degree in       |
|            |   | proportion) but |                   | proportion) but |
|            |   | not less        |                   | not less        |
|            |   | than            |                   | than            |
|            |   | 24.161¢/        |                   | 24.161¢/        |
|            |   | kg              |                   | kg"             |

(B) Any staged reduction of a rate of duty set forth in subheading 1701.99.00 of the HTS that was proclaimed by the President before the effective date of this proclamation and would otherwise take effect after the effective date of this proclamation shall also apply to the corresponding rates of duty set forth in subheadings 1701.99.01 and 1701.99.02, inclusive, of the HTS.

(5)(A) Subheading 1702.90.30 is stricken and the following new subheadings are inserted in lieu thereof:

[1702.90 Other . . .]

"Containing soluble non-sugar solids (excluding any foreign substances that may have been added or developed in the product) equal to 6 percent or less by weight of the total soluble solids:

|            |  |  |                                  |  |
|------------|--|--|----------------------------------|--|
| 1702.90.31 | Described in paragraphs (a) and (b) of additional U.S. note 3 to chapter 17 and entered pursuant to its provisions ..... | Dutiable on total sugars at the rate per kg applicable under heading 1701 to sugar testing 100 degrees | Free (A, E*, IL) 1.1684¢/kg (CA) | Dutiable on total sugars at the rate per kg applicable under heading 1701 to sugar testing 100 degrees |
|------------|--|--|----------------------------------|--|

1702.90.32 Other ..... 37.386¢/kg 1.1684¢/kg (CA) 37.386¢/kg"

(B) Any staged reduction of a rate of duty set forth in subheading 1702.90.30 of the HTS that was proclaimed by the President before the effective date of this proclamation and would otherwise take effect after the effective date of this proclamation shall also apply to the corresponding rates of duty set forth in subheadings 1702.90.31 and 1702.90.32, inclusive, of the HTS.

(6)(A) Subheading 1806.10.40 is stricken and the following new subheadings are inserted in lieu thereof:

[1806 Chocolate . . .]

[1806.10 Cocoa . . .]

[1806.10.20 Containing . . .]

[1806.10.30 Containing . . .]

"Other:

|            |  |   |  |  |
|------------|--|---|--|--|
| 1806.10.41 | Described in paragraphs (a) and (b) of additional U.S. note 3 to chapter 17 and entered pursuant to its provisions.. | Dutiable on total sugars at the rate applicable under subheading 1701.11.01 | Free (A*, E*, IL) Dutiable on total sugars at the rate applicable under subheading 1701.11.01 (CA) | Dutiable on total sugars at the rate applicable under subheading 1701.11.01  |
| 1806.10.42 | Other .....  | Dutiable on total sugars at the rate applicable under subheading 1701.11.03 | Dutiable on total sugars at the rate applicable under subheading 1701.11.03                        | Dutiable on total sugars at the rate applicable under subheading 1701.11.03" |

(B) Any staged reduction of a rate of duty set forth in subheading 1806.10.40 of the HTS that was proclaimed by the President before the effective date of this proclamation and would otherwise take effect after the effective date of this proclamation shall also apply to the

corresponding rates of duty set forth in subheadings 1806.10.41 and 1806.10.42, inclusive, of the HTS.

(7)(A) Subheading 2106.90.10 is stricken and the following subheadings are inserted in lieu thereof:

[2106 Food . . .:]

[2106.90 Other:]

"Syrups derived from cane or beet sugar, containing added coloring but not added flavoring matter

2106.90.11 Described in paragraphs (a) and (b) of additional U.S. note 3 to chapter 17 and entered pursuant to its provisions.....

Dutiable on total sugars at 1.4606¢/kg

Free (A, E\*, IL) Dutiable on total sugars at 1.1684¢/kg (CA)

Dutiable on total sugars at 4.36170¢/kg

2106.90.12

Other .....

Dutiable on total sugars at 37.386¢/kg

Dutiable on total sugars at 1.1684¢/kg (CA)

Dutiable on total sugars at 37.386¢/kg

(B) Any staged reduction of a rate of duty set forth in subheading 2106.90.10 of the HTS that was proclaimed by the President before the effective date of this proclamation and would otherwise take effect after the effective date of this proclamation shall also apply to the corresponding rates of duty set forth in subheadings 2106.90.11 and 2106.90.12, inclusive, of the HTS.

(b) General note 3(c)(ii)(D) of the HTS is modified by striking out "1701.11.00 Brazil, Dominican Republic", "1701.12.00 Brazil", "1701.91.20 Brazil", "1701.99.00 Brazil", and "1806.10.40 Brazil" and inserting in numerical sequence the following HTS subheadings and countries set opposite them:

1701.11.01 Brazil; Dominican Republic

1701.11.02 Brazil; Dominican Republic

1701.12.01 Brazil

1701.91.21 Brazil

1701.99.01 Brazil

1806.10.41 Brazil

(c) Paragraphs (1) and (2) of general note 3(c)(v)(D) of the HTS are modified by striking out "1702.90.30, 1806.10.40 and 2106.90.10" and inserting in lieu thereof "1702.90.31, 1806.10.41, 1806.10.42, and 2106.90.11".

(d) The superior text to subheadings 9904.40.20 and 9904.40.40 of the HTS is modified by striking out "1701.91.20" and inserting in lieu thereof "1701.91.21, 1701.91.22".

(e) The description of subheading 9904.40.60 of the HTS is modified by striking out "subheading 2106.90.10" and inserting in lieu thereof "subheadings 2106.90.11 or 2106.90.12".

(f) The description of subheading 9904.10.60 of the HTS is modified by adding "0402.29" in numerical sequence.

## ANNEX II

### MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

The following supersedes and replaces additional U.S. notes 3 and 4 to chapter 17 of the Harmonized Tariff Schedule of the United States (HTS).

Effective as to articles entered, or withdrawn from warehouse for consumption, on or after October 1, 1990.

1. Additional U.S. note 3 to chapter 17 of the Harmonized Tariff Schedule is modified to provide as follows:

"3. (a)(i) The total amount of sugars, syrups and molasses entered, or withdrawn from warehouse for consumption, under subheadings 1701.11.01, 1701.12.01, 1701.91.21, 1701.99.01, 1702.90.31, 1806.10.41, and 2106.90.11, during such period as shall be established by the Secretary of Agriculture (hereinafter referred to as "the Secretary"), shall not exceed in the aggregate an amount (expressed in terms of raw value) as shall be established by the Secretary. The Secretary shall determine such total amount as will give due consideration to the interests in the U.S. sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade. Such total amount shall consist of (1) a base quota amount, and (2) an amount reserved for the importation of specialty sugars as defined by the United States Trade Representative, to be allocated by the United States Trade Representative in accordance with paragraph (b)(i) of this note.

"(ii) The Secretary may modify any quantitative limitations (including the time period for which such limitation are applicable) which have previously been established under this paragraph, if the Secretary determines that such action or actions are appropriate to give due consideration to the interests in the U.S. sugar market of domestic producers and materially affected contracting parties of the General Agreement on Tariffs and Trade.

"(iii) The Secretary shall inform the Secretary of the Treasury of any determination made under this paragraph. Notice of such determinations shall be filed with the *Federal Register*, and such determinations shall not become effective until the day following the date of filing of such notice or such later date as may be specified by the Secretary.

"(iv) Sugar entering the United States during a quota period established under this paragraph may be charged to the previous or subsequent quota period with the written approval of the Secretary.

"(b)(i) The base quota amount of sugars, syrups and molasses, described in subheadings 1701.11.01, 1701.12.01, 1701.91.21, 1701.99.01, 1702.90.31, 1806.10.41, and 2106.90.11, established pursuant to paragraph (a) of this note shall be allocated by the United States Trade Representative to the supplying countries and areas listed below as follows:

| Country                                  | Percentage distribution |
|--|-------------------------|
| Argentina.....                           | 4.3                     |
| Australia.....                           | 8.3                     |
| Barbados.....                            | 0.7                     |
| Belize.....                              | 1.1                     |
| Bolivia.....                             | 0.8                     |
| Brazil.....                              | 14.5                    |
| Colombia.....                            | 2.4                     |
| Costa Rica.....                          | 1.5                     |
| Dominican Republic.....                  | 17.6                    |
| Ecuador.....                             | 1.1                     |
| El Salvador.....                         | 2.6                     |
| Fiji.....                                | 0.9                     |
| Guatemala.....                           | 4.8                     |
| Guyana.....                              | 1.2                     |
| Honduras.....                            | 1.0                     |
| India.....                               | 0.8                     |
| Jamaica.....                             | 1.1                     |
| Malawi.....                              | 1.0                     |
| Mauritius.....                           | 1.2                     |
| Mozambique.....                          | 1.3                     |
| Nicaragua.....                           | 2.1                     |
| Panama.....                              | 2.9                     |
| Peru.....                                | 4.1                     |
| Philippines.....                         | 15.8                    |
| Swaziland.....                           | 1.6                     |
| Taiwan.....                              | 1.2                     |
| Thailand.....                            | 1.4                     |
| Trinidad and Tobago.....                 | 0.7                     |
| Zimbabwe.....                            | 1.2                     |
| Other specified countries and areas..... | 0.3                     |

| Country                                     | Percentage distribution |
|---|-------------------------|
| Other specialty sugar source countries..... | *                       |

\*\* The amount of specialty sugars described in subheadings 1701.11.01, 1701.12.01, 1701.91.21, 1701.99.01, 1702.90.31, 1806.10.41, and 2106.90.11, established pursuant to paragraph (a) of this note, shall be allocated by the United States Trade Representative to the following countries and areas by providing to each an allocation of 72 metric tons, raw value, on an annual basis:

|                                |                               |                   |
|--------------------------------|-------------------------------|-------------------|
| Belgium                        | Ireland                       | Republic of Korea |
| Burma                          | Italy                         | Suriname          |
| Cameroon                       | Japan                         | Sweden            |
| Denmark                        | Kenya                         | Switzerland       |
| Federal Republic<br>of Germany | Luxembourg                    | United Kingdom    |
| France                         | Netherlands                   | Venezuela         |
| Hong Kong                      | Netherlands Antilles          | Republic of       |
| Indonesia                      | People's Republic<br>of China | Yemen             |

"Note: The category "Other specified countries and areas" shall consist of the following: Congo, Cote d'Ivoire, Gabon, Haiti, Madagascar, Mexico, Papua New Guinea, Paraguay, Saint Kitts and Nevis, and Uruguay.

"(ii) The United States Trade Representative, after consultation with the Secretaries of State and Agriculture, may modify, suspend (for all or part of the quota amount), or reinstate the allocations provided for in this paragraph (including the addition or deletion of any country or area) if he finds that such action is appropriate to carry out the obligations of the United States under any international agreement to which the United States is a party. The United States Trade Representative shall inform the Secretary of the Treasury of any such action and shall publish notice thereof in the *Federal Register*. Such action shall not become effective until the day following the date of filing of such notice with the *Federal Register* or such later date as may be specified by the United States Trade Representative.

"(iii) The United States Trade Representative may promulgate regulations appropriate to provide for the allocations established pursuant to this paragraph. Such regulations may, among other things, provide for the issuance of certificates of eligibility to accompany any sugars, syrups or molasses (including any specialty sugars) imported from any country or area for which an allocation has been provided and for such minimum quota amounts as may be appropriate to provide reasonable access to the U.S. market for imports from the "Other specified countries and areas."

"(c)(i) Subheading 1701.11.02 shall not be applicable if any duties imposed on the entry of sugar under subheading 1701.11.03, 1701.12.02, 1701.91.22, 1701.99.02, 1702.90.32, 1806.10.42, or 2106.90.12 are refunded, as drawback pursuant to section 313 of the Tariff Act of 1930, as amended, on the basis, or as a result, of the exportation pursuant to subheading 1701.11.02 of any refined sugar or sugar-containing product, whether such article has been produced or manufactured from sugar entered under subheading 1701.11.02 or from other sugar. Subheading 1701.11.02 shall not be applicable if any duties imposed on the entry of sugar under subheading 1701.11.03, 1701.12.02, 1701.91.22, 1701.99.02, 1702.90.32, 1806.10.42, or 2106.90.12 are refunded, as drawback pursuant to section 313 of the Tariff Act of 1930, as amended, on the basis, or as a result, of the exportation of any polyhydric alcohol, if such polyhydric alcohol has been produced or manufactured from sugar entered under subheading 1701.11.02. The Commissioner of Customs shall suspend liquidation of entries of sugar entered under subheading 1701.11.02 until he/she is satisfied that a claim for drawback of duties imposed under subheading 1701.11.03, 1701.12.02, 1701.91.22, 1701.99.02, 1702.90.32, 1806.10.42, or 2106.90.12 has not, and cannot be, based on the exportation of such polyhydric alcohol, refined sugar or sugar-containing product; if the Commissioner of Customs is not satisfied that the drawback of such duties has not and will not be claimed, he/she shall liquidate the entry of such imported sugar at the rates provided for under subheading 1701.11.03.

"(ii) A drawback entry and all documents necessary to complete a drawback claim, including those issued by one Customs officer to another, with respect to the refund of any duties imposed under subheadings 1701.11.01, 1701.11.02, 1701.11.03, 1701.12.01, 1701.12.02, 1701.91.21, 1701.91.22, 1701.99.01, 1701.99.02, 1702.90.31, 1702.90.32, 1806.10.41, 1806.10.42, 2106.90.11 and 2106.90.12, shall be filed or applied for, as applicable, within 90 days after the date of exportation of the articles on which drawback is claimed, except that any landing certificate required by regulations issued by the United States Customs Service shall be

filed within the time limit prescribed therein. Claims not completed within the 90-day period shall be considered abandoned. A drawback claimant shall file all drawback claims with respect to the refund of any duties imposed under subheadings 1701.11.01, 1701.11.02, 1701.11.03, 1701.12.01, 1701.12.02, 1701.91.21, 1701.91.22, 1701.99.01, 1701.99.02, 1702.90.31, 1702.90.32, 1806.10.41, 1806.10.42, 2106.90.11 and 2106.90.12 with the Regional Commissioner of Customs, as specified in regulations. The Secretary of the Treasury shall promulgate or amend such regulations as are appropriate to enforce the terms, conditions and other limitations contained in this paragraph.

(iii) Sugar described in subheading 1701.11.02 shall be entered only under a license issued by the Secretary of Agriculture. The Secretary of Agriculture may promulgate such regulations (including any terms, conditions, certifications, bonds or other limitations) as are appropriate to ensure that sugar entered under subheading 1701.11.02 is used only for the purposes specified in subheading 1701.11.02 and that such licenses are not credited for the exportation of any polyhydric alcohol, refined sugar or sugar-containing products if any duties imposed on the entry of sugar under subheading 1701.11.03, 1701.12.02, 1701.91.22, 1701.99.02, 1702.90.32, 1806.10.42, or 2106.90.12 are refunded, as drawback, on the basis, or as a result, of the exportation of such polyhydric alcohol, refined sugar or sugar-containing products. Subheading 1701.11.02 shall not be applicable unless the Secretary of Agriculture and the Commissioner of Customs shall be satisfied that the licensee has complied with all requirements set forth in such license and in such regulations.

"(d) For purposes of this chapter and chapter 18, the term "raw value" means the equivalent of such articles in terms of ordinary commercial raw sugar testing 96 degrees by the polariscope as determined in accordance with regulations or instructions issued by the Secretary of the Treasury. Such regulations or instructions may, among other things, provide: (a) for the entry of such articles pending a final determination of polarity; and (b) that positive or negative adjustments for differences in preliminary and final raw values be made in the same or succeeding quota periods. The principal grades and types of sugar shall be translated into terms of raw value in the following manner—

"(i) For articles described in subheadings 1701.11.01, 1701.11.02, 1701.11.03, 1701.12.01, 1701.12.02, 1701.91.21, 1701.91.22, 1701.99.01, 1701.99.02, 1806.10.41, 1806.10.42, 2106.90.11, and 2106.90.12 by multiplying the number of kilograms thereof by the greater of 0.93, or 1.07 less 0.0175 for each degree of polarization under 100 degrees (and fractions of a degree in proportion).

"(ii) For articles described in subheadings 1702.90.31 and 1702.90.32, by multiplying the number of kilograms of the total sugars thereof (the sum of the sucrose and reducing or invert sugars) by 1.07.

"(iii) The Secretary of the Treasury shall establish methods for translating sugar into terms of raw value for any special grade or type of sugar, syrup, or molasses for which he/she determines that the raw value cannot be measured adequately under the above provisions."

2. Additional U.S. note 4 to chapter 17 of the Harmonized Tariff Schedule is modified to provide as follows:

"4. (a) The duty-free treatment accorded to the importation of sugars, syrups and molasses described in subheadings 1701.11.01, 1701.12.01, 1701.91.21, 1701.99.01, 1702.90.31, 1806.10.41 and 2106.90.11, from the beneficiary countries for purposes of the Generalized System of Preferences and Caribbean Basin Economic Recovery Act, shall be limited to the quantities as established and allocated pursuant to paragraphs (a) and (b) of additional U.S. note 3 to chapter 17.

"(b) Duty-free treatment shall be accorded to the importation of sugars, the products of beneficiary countries for purposes of the Generalized System of Preferences and Caribbean Basin Economic Recovery Act, described in subheading 1701.11.02."

**Proclamation 6180 of September 14, 1990**

## **National POW/MIA Recognition Day, 1990**

*By the President of the United States of America  
A Proclamation*

Our Nation owes a lasting debt of gratitude to all those selfless and heroic members of our Armed Forces who have risked their own free-